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Attorney for Defendant DAMIEN TORRES

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

THE UNITED STATES OF AMERICA,	)	Case No. 1:22-CR-00250-JLT-SKO
	)	
Plaintiff,	)	<b>STIPULATION AND ORDER TO</b>
vs.	)	<b>EXCLUDE TIME &amp; CONTINUE STATUS</b>
	)	<b>CONFERENCE HEARING;</b>
DAMIEN TORRES,	)	
	)	Date: June 7, 2023
Defendant.	)	Time: 1:00 p.m.
	)	Court: Hon. Sheila K. Oberto

This matter is set for status conference on June 7, 2023. As set forth below, the parties now move, by stipulation, to continue the status conference hearing to August 30, 2023.

**STIPULATION**

Defense Counsel, Serita Rios, and Assistant United States Attorney, Laurel Montoya, hereby stipulate as follows:

1. By previous order, this matter was set for a status conference hearing on June 7, 2023.

**STIPULATION TO EXCLUDE TIME & CONTINUE STATUS CONFERENCE HEARING**

1           2.       Through this stipulation, defendant moves to continue the status  
2 conference hearing until August 30, 2023, and to exclude time between June 7, 2023,  
3 and August 30, 2023.

4           3.       The parties agree and stipulate, and request that the Court find the  
5 following:

6                   a.       Counsel for defendant desires additional time to obtain and  
7 review discovery, consult with defendant, conduct investigation and to discuss  
8 potential resolution with the government.

9                   b.       Counsel for defendant believes that failure to grant the above-  
10 requested continuance would deny them the reasonable time necessary for effective  
11 preparation, taking into account the exercise of due diligence.

12                   c.       The government is still awaiting results of DNA testing and does  
13 not object to the continuance.

14                   d.       Based on the above-stated findings, the ends of justice served by  
15 continuing the case as requested outweigh the interest of the public and the  
16 defendant in a trial within the original date prescribed by the Speedy Trial Act.

17                   e.       For the purpose of computing time under the Speedy Trial Act, 18  
18 U.S.C. §3161, et seq., within which trial must commence, the time period of June 7,  
19 2023 to August 30, 2023, inclusive, is deemed excludable pursuant to 18  
20 U.S.C. §3161(h)(7)(A) because it results from a continuance granted by the Court at  
21 defendant's request on the basis of the Court's finding that the ends of justice served  
22 by taking such action outweigh the best interest of the public and the defendant in a  
23 speedy trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

**IT IS SO STIPULATED.**

Dated: May 30, 2023

/s/ *Serita Rios*

**Serita Rios**  
Attorney for Defendant

Dated: May 30, 2023

/s/ *Laurel Montoya*

**Laurel Montoya**  
Assistant U.S. Attorney

## ORDER

**IT IS SO ORDERED.**

Dated: May 31, 2023

Sheila K. Oberto

**Sheila K. Oberto**  
United States Magistrate Judge

**STIPULATION TO EXCLUDE TIME & CONTINUE STATUS CONFERENCE HEARING**